

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 7 and 12 have been amended, and claims 13-20 have been newly added. Support for the amendments is provided for example in the specification on page 3, lines 20-26, page 7, lines 14-24, page 10, lines 16-27, page 11, lines 1-15, and page 12, line 20, through page 13, line 4. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 7-12 were rejected, under 35 USC §103(a), as being unpatentable over Elliott et al. (US 2004/0022237) in view of Gupta et al. (US 7,266,127). To the extent that these rejections may be deemed applicable to the amended and new claims, the Applicant respectfully traverses as follows.

Claim 7 now defines a base station apparatus that detects whether a data packet is a speech packet, adds a delay to a detected speech packet transmitted on a packet channel to degrade the quality of the speech packet, and does not add the delay to a detected non-speech data packet so as to maintain the quality of this data packet. The claimed subject matter provides an advantage of limiting the influx of speech data into the packet channel so as to improve the channel's service quality (see specification page 2, lines 22-26).

The Final Rejection acknowledges that Elliott does not disclose the Applicants' claimed subject matter of adding a delay to a detected speech packet transmitted on a packet channel (see

Final Rejection page 4, lines 1-2). To overcome this deficiency, the Final Rejection proposes that Gupta discloses adding a delay to received speech packets by use of a jitter buffer (see page 4, second paragraph).

However, Gupta discloses removing jitter (i.e., adding a delay, as characterized in the Final Rejection) from received speech packets so as to improve the quality of the speech packets (see Gupta col. 1, lines 32-39, and col. 2, lines 12-23, and Final Rejection page 4, fifth paragraph).

By contrast to Gupta's disclosure, the Applicants' claimed subject matter adds a transmission delay to a speech packet so as to degrade its quality. Thus, Gupta's system does not achieve the same functionality as the Applicants' claimed subject matter.

Moreover, Gupta's disclosure of adding a delay to a speech packet after it is received on a packet channel is not the same as the Applicants' claimed subject matter of adding a delay to a speech packet in its transmission on a data channel.

Accordingly, the Applicant submits that Elliott and Gupta, even if combined as suggested in the Final Rejection, would still lack the above-noted features of the Applicants' claims. Thus, Elliott and Gupta, considered individually or in combination, do not render obvious the subject matter now defined by claim 7. Independent claim 12 similarly recites the above-mentioned subject matter distinguishing apparatus claim 7 from the applied references, but with respect to a method. Therefore, allowance of claims 7 and 12 and all claims dependent therefrom is deemed to be warranted.

New claim 20 recites that a transmission delay is added to a speech packet, with the delayed speech packet being transmitted by a base station over a packet channel, and the transmitted speech packet being received in a communication terminal.

Gupta does not disclose transmitting a speech packet to a communication terminal after Gupta's jitter buffer adds a delay to the received speech packet, and Elliott is not cited in the Final Rejection for supplementing Gupta's teachings in this regard. Therefore, allowance of claim 20 is considered to be warranted for this independent reason.

To promote a better understanding of the patentable distinctions of the claimed subject matter over the applied references, the Applicant provides the following additional remarks.

As generally recited in claims 7 and 12, features of the Applicants' claimed invention, clarified by the herein-contained claim amendments, include adding a transmission delay to a speech packet, so as to degrade the quality of the speech packet, and not adding a transmission delay to a normal packet, so as to maintain the quality of the normal packet. This subject matter supports limiting the influx of a speech packet into a packet channel conveyed to a communication terminal user who desires to avoid quality degradation of the speech packet. The above features of the claimed invention also make it possible to guide the speech packet for this communication terminal user to a bearer channel. Consequently, the claimed invention makes it possible to prevent degradation of service quality for normal packets transmitted on the packet channel.

By contrast with the Applicants' claimed invention, Gupta discloses, in a VoIP system, providing a jitter buffer for outputting, at fixed time intervals, speech packets that are received on an irregular basis (i.e., asynchronously) to absorb the jitter of the speech packets (see Gupta col.

1, lines 32-41). In other words, Gupta's jitter buffer is configured to improve the quality of speech packets by adding a delay to the speech packets.

However, as mentioned above, the Applicants' claimed subject matter adds a transmission delay to a speech packet so as to degrade the quality of the speech packet, and does not add a transmission delay to a normal packet so as to maintain the quality of the normal packet.

That is, Gupta's quality control for speech packets and the speech packet quality control of the Applicants' claimed invention are completely opposite. Gupta's system improves the quality of speech packets using a jitter buffer, whereas the Applicants' claimed invention degrades the quality of speech packets using a delay section. Furthermore, it necessarily follows from this that the idea of limiting the influx of a speech packet into a packet channel, for a communication terminal user who desires to avoid quality degradation of the speech packet, is unique to the Applicants' claimed invention and is not found in the teachings of Gupta and Elliott.

Consequently, it is submitted that Gupta and Elliot, considered alone or together, fail to disclose or suggest the above-noted features of the claimed invention of adding a transmission delay to a speech packet, so as to degrade the quality of the speech packet, and not adding a transmission delay to a normal packet, so as to maintain the quality of the normal packet.

Furthermore, as generally recited in claim 13, it is another feature of the claimed invention to degrade the quality of the speech packet to a level a user cannot stand listening to and maintain the quality of the normal packet at a level the user can stand listening to. Gupta and Elliott, considered alone or together, neither disclose nor suggest this feature of claim 13.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: July 1, 2009  
JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-06115  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6966  
Facsimile: (202) 659-1559